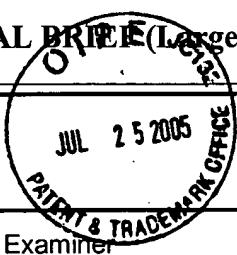


AF/ 2174 ZW



<b>TRANSMITTAL OF APPEAL BRIEF (Large Entity)</b>	Docket No. ITL.0268US
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In Re Application Of: Jason T. Cassezza
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Application No. 09/409,330	Filing Date 09/30/99	Examiner Sy D. Luu	Customer No. 21906	Group Art Unit 2174	Confirmation No. 5219
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Invention: Controlling Audio Volume in Processor-Based Systems
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COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on June 23, 2005.

The fee for filing this Appeal Brief is: **NO FEE IS BELIEVED TO BE DUE**

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

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Dated: July 21, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 21, 2005 (Date)  Signature of Person Mailing Correspondence Cynthia L. Hayden Typed or Printed Name of Person Mailing Correspondence
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CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Jason T. Cassezza

Serial No.: 09/409,330

Filed: September 30, 1999

For: Controlling Audio Volume  
in Processor-Based Systems

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Art Unit: 2174

Examiner: Sy D. Luu

Docket: ITL.0268US  
P7591

Assignee: Intel Corporation

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Commissioner for Patents

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**APPEAL BRIEF**

Date of Deposit: July 21, 2005

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*Cynthia L. Hayden*  
Cynthia L. Hayden



## TABLE OF CONTENTS

REAL PARTY IN INTEREST .....	3
RELATED APPEALS AND INTERFERENCES.....	4
STATUS OF CLAIMS .....	5
STATUS OF AMENDMENTS .....	6
SUMMARY OF CLAIMED SUBJECT MATTER .....	7
GROUND OF REJECTION TO BE REVIEWED ON APPEAL .....	10
ARGUMENT .....	11
CLAIMS APPENDIX.....	12
EVIDENCE APPENDIX.....	None
RELATED PROCEEDINGS APPENDIX.....	None

### **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

## **RELATED APPEALS AND INTERFERENCES**

Appeal No. 2003-0310.



## STATUS OF CLAIMS

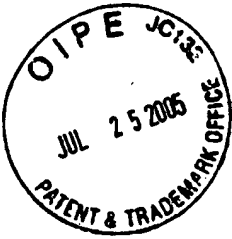
Claims 1-26 (Canceled).

Claims 27-38 (Rejected).

Claims 27-38 are rejected and are the subject of this Appeal Brief.

## **STATUS OF AMENDMENTS**

All amendments have been entered.



## SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

27. A method of controlling volume levels in a processor-based system comprising:

automatically generating a plurality of sounds of progressively changing volume (Fig. 3, 50, See Specification at page 5, lines 18-20);

receiving a user selection of a desired volume level (Fig. 3, 52, See Specification at page 9, lines 20-22); and

using said user selection to control the volume of sounds generated by said processor-based system (Fig. 4, 76, See Specification at page 7, line 16, to page 8, line 16).

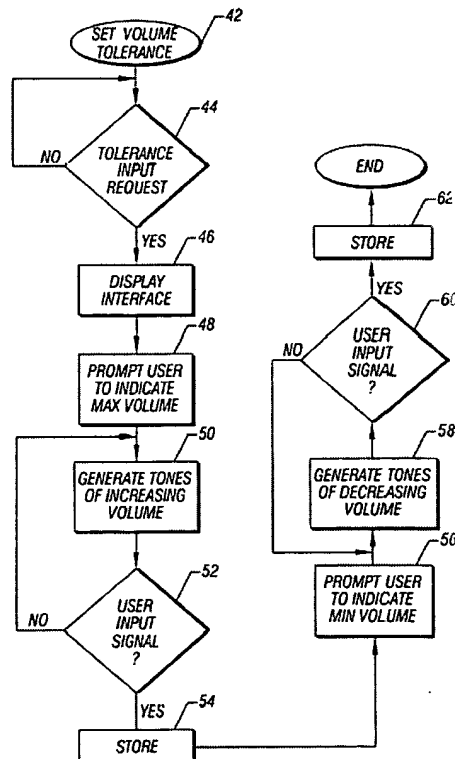


FIG. 3



31. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

- automatically generate a plurality of sounds of progressively changing volume (Fig. 3, 52, See Specification at page 9, lines 20-22);
- receive a user selection of a desired volume level (Fig. 3, 50, See Specification at page 5, lines 18-20); and
- use said user selection to control the volume of sounds generated by said processor-based system (Fig. 4, 76, See Specification at page 7, line 16, to page 8, line 16).

35. A system comprising:

- a processor (Fig. 5, 78);
- a storage coupled to said processor (92);
- a sound generating circuit (104) coupled to said processor;
- software (42, 64) stored on said storage (92) to control the sound generated by said circuit (104) to produce a plurality of sounds of progressively changing audio level; and
- a remote control unit (16) to receive user inputs and to receive sound generated by said sound generating circuit and to provide information about a user selected sound to said processor (See Specification at page 8, line 17, to page 10, line 17).

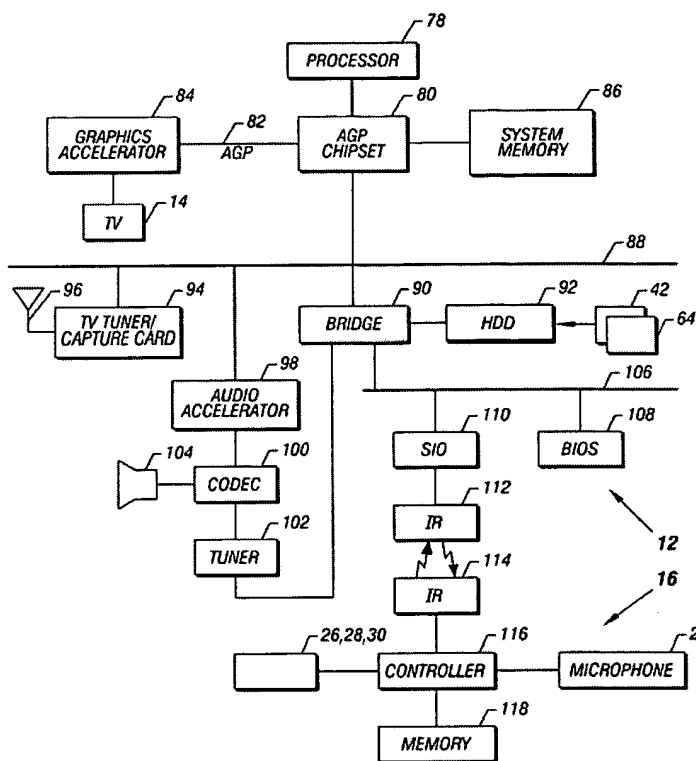
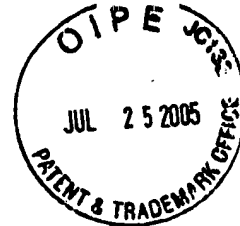


FIG. 5

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.



**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

A. Are Claims 27, 28, 30-32, 34-36, and 38 Anticipated by Lee?

## ARGUMENT



### **A. Are Claims 27, 28, 30-32, 34-36, and 38 Anticipated by Lee?**

The final rejection contended that Lee automatically generates a plurality of sounds of progressively changing/increasing volume, citing Figures 3A, 3A', and column 2, lines 32-34 and 37-38.

Cited lines 32-34 are as follows: "routine 100 includes a key-check step 10 for checking either existence or non-existence of the transmitted key input signal from the transmitter or the key matrix 2." This has nothing which could possibly be interpreted to support the rejection.

Cited lines 37 and 38 are "signal. If the input signal is discriminated as an up-signal, the level of the set control signal is increased and the bars displayed on the screen are also increased." Again, this has nothing to do with generating sounds of progressively changing/increasing volume.

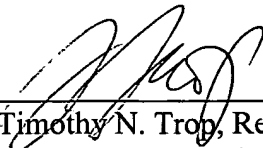
Since Lee fails to teach the claim limitations, a *prima facie* rejection is not made out. Therefore, the rejection should be reversed.

\* \* \*

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: July 21, 2005

  
\_\_\_\_\_  
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## CLAIMS APPENDIX



The claims on appeal are:

27. A method of controlling volume levels in a processor-based system comprising:  
automatically generating a plurality of sounds of progressively changing volume;  
receiving a user selection of a desired volume level; and  
using said user selection to control the volume of sounds generated by said  
processor-based system.
28. The method of claim 27 including correlating the time period when a user  
selection is received to the volume of the sound being generated at the time the user selection  
was received and recording that volume level as a preset sound level.
29. The method of claim 28 including comparing an audio volume level produced by  
said system to the preset sound level.
30. The method of claim 27 wherein automatically generating includes generating  
sounds of increasing volume.
31. An article comprising a medium storing instructions that, if executed, enable a  
processor-based system to:  
automatically generate a plurality of sounds of progressively changing volume;  
receive a user selection of a desired volume level; and  
use said user selection to control the volume of sounds generated by said  
processor-based system.
32. The article of claim 31 further storing instructions that, if executed, enable the  
processor-based system to correlate the time period when a user selection was received to the  
volume of the sound being generated at the time the user selection was received and record the  
volume level as a preset sound level.

33. The article of claim 32 further storing instructions that, if executed, enable the processor-based system to compare an audio volume level produced by said system to the preset sound level.

34. The article of claim 31 further storing instructions that, if executed, enable the processor-based system to automatically generate sounds of increasing volume.

35. A system comprising:  
a processor;  
a storage coupled to said processor;  
a sound generating circuit coupled to said processor;  
software stored on said storage to control the sound generated by said circuit to produce a plurality of sounds of progressively changing audio level; and  
a remote control unit to receive user inputs and to receive sound generated by said sound generating circuit and to provide information about a user selected sound to said processor.

36. The system of claim 35, said software to correlate the time period when a user selection is received to a volume of the sound being generated at the time the user selection was received and recording that volume level as a preset sound level.

37. The system of claim 36, said software to compare an audio volume level produced by said system to the preset sound level.

38. The system of claim 35 wherein said circuit to produce sounds of increasing volume.